



THE INTERIM

June 2009

A monthly newsletter of the Montana Legislative Branch

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Interim Newsletter Sports New Look

Beginning with this, the first issue of the 2009-10 interim, the print and electronic versions of the The Interim newsletter will have a new look. Gayle Shirley, legislative information officer, has redesigned both the print and electronic versions in an effort to improve their readability. The electronic version will include hot links to committee web pages. These links will provide direct access to interim committee and other legislative committee information, including meeting schedules, agendas, reports, and staff contacts.

Legislative Committees

The Interim is published monthly between legislative sessions. It reports on the interim activities of legislative committees, including the Legislative Council, the Environmental Quality Council, the Legislative Finance Committee, the Legislative Audit Committee, and legislative interim committees staffed by the Legislative Services Division. These committees include the:

- Children, Families, Health, and Human Services Committee;
- Economic Affairs Committee;
- Education and Local Government Committee;
- Energy and Telecommunications Committee;
- Law and Justice Committee;
- Revenue and Transportation Committee;
- State Administration and Veterans' Affairs Committee;
- State-Tribal Relations Committee; and
- Water Policy Committee.

These committees conduct interim studies as assigned by the Legislative Council or as may be determined by a particular committee. The committees are also responsible for state agency monitoring and administrative rule review. They may also recommend legislative changes to improve the operation of a state agency within a committee's jurisdiction. The public is encouraged to participate in the activities of interim committees.

The Water Policy Committee was created by Senate Bill 22 (Ch. 285, L. 2009). The committee will examine water policy and conduct assigned studies. The committee is required to coordinate with the Environmental Quality Council and other interim committees to avoid duplication of effort (p. 5).

The newsletter will also report on the activities of the Districting and Apportionment Commission. The commission is constitutionally required to submit plans on congressional districts and state legislative districts after each census. The Legislative Services Division provides staff support for the commission (p. 7).

On pages 12-13 of this issue is a list of the memberships of the interim and permanent committees described above, as well as the legislative membership of other committees, councils, boards, and panels on which legislators serve.

The Back Page

A regular feature of The Interim is the “Back Page,” which presents an in-depth analysis each month on a topic of importance to Montanans. Topics include public education, taxation and budgeting, health care, economic development, energy, natural resources, climate change, transportation, and water policy. Articles may also include topics of professional interest to staff and other themes. This month’s article discusses the assignment of interim studies to the various committees (p. 14).

Calendar

A calendar of legislative events is provided in each issue (p. 19). Be aware that interim committees sometimes have to change meeting dates in response to unforeseen circumstances, so it’s a good idea to check the legislative website for the most up-to-date meeting information. Committees are urged to plan carefully to minimize confusion caused by changing meeting dates.

Subscriptions

Legislators, elected officials, and state agency directors receive copies of The Interim. The newsletter is also available to the public. The annual subscription cost

for the printed version is \$26 for the 19 issues that will come out between June 2009 and December 2010. To subscribe, contact the Legislative Services Division, (406) 444-3064, PO Box 201701, Helena, MT, 59620-1706.

The newsletter is also available without charge on the legislative branch website at leg.mt.gov. To find previous issues, click on “Publications” in the left menu and follow the link to the interim newsletter. You can also sign up to get notified by email when a new issue has been posted online.

We encourage readers to save paper and money by reading the newsletter online.

If you have questions, comments, or suggestions about The Interim, please contact Jeff Martin at (406) 444-3595 or jmartin@mt.gov or Gayle Shirley at (406) 444-2957 or gshirley@mt.gov.

Get Email Notification of Meetings

You can be notified by email of interim committee meetings, agendas, reports, minutes, and other information. To sign up, if you have not previously done so, go to leg.mt.gov. Click on “Between Sessions” and then “Interim Committees.” The sign-up link is near the top of the page.

Simply enter your email address, hit the “submit” button and you can sign up for all or any of the following interim committees: Children, Families, Health, and Human Services; Computer System Planning Council; Districting and Apportionment Commission; Economic Affairs; Education and Local Government; Environmental Quality Council; Energy and Telecommunications; Law and Justice; Legislative Council; Revenue and Transportation; State Administration and Veterans’ Affairs; State-Tribal Relations; and Water Policy.

A sign-up link is also available on each individual interim committee web page.

If you subscribed to email notification last interim, you

do not need to sign up again unless you have changed your email address.

For more information about email sign-up, please contact Alysa Eaton, branch webmaster, at aeaton@mt.gov or (406) 444-3591.

Legislators Entitled to Interim Pay

During the interim, legislators on authorized legislative business are entitled to a mileage allowance, a meal allowance, reimbursement for lodging, and a salary equal to one full day's pay for each 24-hour period of time (from midnight to midnight), or portion of that time, spent away from home. If nonlegislative business lengthens a legislator's stay away from home into an additional 24-hour period, the legislator is not compensated for the additional day.

Legislators should use the mode of travel that provides the lowest overall cost to the state. Make lodging reservations early to get rooms at state rate, and always request state employee rates. Make commercial airline reservations early to get discounted rates; avoid costly schedule changes.

Claim Guidelines

The Legislative Council is considering whether to revise the guidelines used to evaluate the reasonableness of legislator claims for payment. If the council changes the guidelines, legislators will be notified.

Currently, financial staff in the Legislative Services Division use the following guidelines to determine if a legislator's claim is reasonable and falls within authorized legislative business:

- **Overnight lodging** is reasonable when a legislator would need to leave home earlier than 6:30 a.m. or arrive home later than 9:30 p.m. in order to attend all of a meeting or participate in a legislative activity. An average travel speed (including time for incidental stops) of 50 miles an hour is used to determine whether travel falls within these guidelines.

A legislator is considered necessarily away from home on the day of a meeting or other authorized legislative activity and on any other day when travel described above is required.

- **Meals** falling within reasonable travel times may be claimed.

Special circumstances may be taken into consideration when determining whether a claim is reasonable. Such circumstances may include bad weather, a legislator's health, variables related to flying instead of driving, and schedule conflicts that require a legislator to use a more expensive mode of travel in order to participate in the legislative activity.

Reimbursement Rates 2009-10 Interim	
In-state meals (receipts NOT required)	Breakfast \$5 Lunch \$6 Dinner \$12
Mileage (receipts NOT required)	55 cents/mile for first 1,000 miles each month; 52 cents/mile thereafter
In-state lodging (receipts ARE required)	Most locations: \$70/day plus applicable taxes Helena: \$77/day plus applicable taxes
Other lodging (e.g., stay with family)	\$12/day

Submission of Claims

Legislators must complete and sign a claim form to receive salary and reimbursement of expenses. Claim forms are available from committee secretaries and from the Financial and Human Resource Office, Legislative Services Division, Room 154 in the Capitol.

Return the claim to the committee secretary or to the financial office with original receipts as noted on the form. The claim should be completed and signed in ink and should state the number of days of salary, lodging, and meals that are being claimed.

Mitigating or special circumstances related to the

determination of reasonableness of the claim, as discussed above, should be clearly noted on the claim form.

Legislators will usually receive two payments for each claim submitted, one for expenses and one for salary. The financial staff will pay expenses within three working days of receiving a claim. They will pay salary every two weeks, along with regular payroll. Claim forms that are incomplete or that do not include required receipts may be returned to the legislator for completion.

Legislators Who Live in Helena

Legislators who live in Helena and attend interim committee meetings in Helena are not entitled to mileage or lodging reimbursement. However, they may claim a midday meal allowance on the day of the meeting regardless of the proximity of the meeting place to the individual's residence. They may claim salary in the same manner as all other legislators.

Timely Submission of Claims

State policy requires that requests for reimbursement of travel costs be submitted within three months of incurring the expense or the right to reimbursement is waived. A claim for reimbursement will not be paid if the claim is submitted after three months.

Contact Information

- Financial and Human Resource Office, Legislative Services Division, Room 154, State Capitol
- Karen Berger, financial services manager, (406) 444-3411, kberger@mt.gov
- Jennifer Simmons, accounting technician, (406) 444-9542, jsimmons@mt.gov

Energy & Telecommunications Committee to Work on Energy Policy

During the 2009-10 interim, the Energy and Telecommunications Interim Committee (ETIC) will design a blueprint for Montana's energy future.

Senate Bill 290, enacted last session, requires the

committee to revise the current state energy policy and concentrate on nine specific topics:

- increasing the supply of low-cost electricity with coal-fired generation;
- rebuilding and extending electric transmission lines;
- maximizing use of state land for energy generation;
- increasing energy efficiency standards for new construction;
- promoting conservation;
- promoting energy efficiency incentives;
- promoting alternative energy systems;
- reducing regulations that increase ratepayers' energy costs; and
- integrating wind energy.

The committee will work with stakeholders, the public, and appropriate state agencies to develop an energy policy proposal.

Montana's current energy policy, as provided in 90-4-1001, MCA, simply states that it is the policy of Montana "to promote energy efficiency, conservation, production, and consumption of a reliable and efficient mix of energy sources that represent the least social, environmental, and economic costs and the greatest long-term benefits to Montana citizens."

Taking direction from SB 290, the committee will develop an in-depth proposal that promotes a secure and well-maintained energy infrastructure, includes technological developments in energy production and use, maximizes the use of in-state sources of power, and promotes energy efficiency and conservation.

The committee will meet Thursday, July 16, at 9 a.m. in Room 172 of the Capitol. Committee members will adopt a draft work plan for the next 14 months and elect a presiding officer and vice-presiding officer.

Members of the 2009-10 ETIC are Representatives Duane Ankney (R-Colstrip), Tony Belcourt (D-Box Elder), Robyn Driscoll (D-Billings), and Harry Klock (R-Harlowton), and Senators Jerry Black (R-Shelby), Ron Erickson (D-Missoula), Verdell Jackson (R-Kalispell), and Cliff Larsen (D-Missoula).

A meeting agenda and additional information about the committee and its interim work will soon be available at leg.mt.gov/etic. For more information, contact Sonja Nowakowski at snowakowski@mt.gov or (406) 444-3078.

Children, Families, Health, & Human Services to Focus on Health Care

The Children, Families, Health, and Human Services Interim Committee (CFHHS) will focus on a wide variety of health care policies, including federal reforms, as it undertakes the study requested by Senate Joint Resolution 35 this interim.

The resolution calls for a study of matters related to health care, including monitoring of ongoing federal health care reforms, consideration of proposals by Montana groups involved in health care reform, and review of ways to reduce health care costs.

Legislators ranked the SJR 35 study as their second-highest priority in the post-session poll of interim studies.

SJR 35 also directs the committee to:

- compile existing information on the number of Montanans who are insured, uninsured, or covered by publicly funded programs;
- review existing information on the number and location of health care professionals and evaluate whether improved opportunities for medical education are needed;
- monitor the development of health information technology that will allow the sharing of medical records; and
- monitor state and federal efforts related to disease prevention and management of chronic diseases.

The Legislative Council assigned the SJR 35 study to the Children and Families Committee, along with the House Joint Resolution 39 study of community services for people with developmental disabilities who also have mental health problems. The council approved the

HJR 39 study as a staff study. This means that, if the committee approves the study plan, it will be conducted primarily by staff who will present a white paper to the committee later in the interim.

The committee will review and act on draft study plans for each of the studies at its organizational meeting on Tuesday, June 2, at 9 a.m. in Room 102 of the Capitol.

The committee also will elect officers and review a proposed work plan for the interim. Committee members will decide how much time to devote to the two studies and to their oversight duties involving the state Department of Public Health and Human Services.

Members of CFHHS are Representatives Mary Caferro (D-Helena), Gary MacLaren (R-Victor), Penny Morgan (R-Billings), and Diane Sands (D-Missoula). Senate members are Roy Brown (R-Billings), Christine Kaufmann (D-Helena), Rick Laible (R-Darby), and Trudi Schmidt (D-Great Falls).

As senior senator, Schmidt will chair the organizational meeting, until officers can be elected.

If you are interested in receiving committee updates, including notification of meetings, you can sign up for electronic notices on the committee's website at leg.mt.gov/cfhhs. To be notified by mail, contact Sue O'Connell at (406) 444-3597 or soconnell@mt.gov.

New Water Policy Committee Created

The study of water policy by Montana legislators is a bit like the spring melt: No one knows exactly when it will occur, but it happens every year.

The passage of Senate Bill 22 by the 2009 Legislature begins a new chapter in the study of Montana water policy. The bill created a permanent Water Policy Interim Committee (WPIC).

The committee's first meeting is Thursday, July 9, at 9 a.m. in Room 172 of the Capitol.

Interim legislative committees have studied water policy in Montana for decades. Sometimes the Environmental Quality Council (EQC) did the work. In other years, a water-specific committee tackled the tasks.

SB 22 directs the WPIC to coordinate with the EQC to avoid duplication of efforts.

Studies dedicated to water policy date to the early 1980s when the EQC established a Select Committee on Water Marketing. Upon the recommendation of the select committee, the Legislature in 1985 established a permanent Water Policy Committee to protect for present and future use Montana's fair share of the water in interstate rivers and streams – particularly the Missouri.

The duties of that committee were codified in 85-2-105, MCA. For the next decade, the Water Policy Committee studied the state water plan, interstate water developments, drought management, adjudication, instream management, and water quality.

In 1995, the permanent committee was dissolved, and the EQC took over the duties previously assigned to it. As a result, additional members were added to the EQC. For the next 12 years, the EQC studied water quality, adjudication, coal-bed methane production, private ponds, and other areas of water policy.

Starting in 2005, there were several significant developments in water policy. Following a recommendation of the EQC, the Legislature approved a measure to rejuvenate water rights adjudication.

A year later, the state Supreme Court ruled that the use of groundwater wells in the Smith River Basin was affecting senior water-rights holders on the river, and the system of permitting used by the state failed to recognize the connection of groundwater and surface water. To deal with that situation, the 2007 Legislature passed House Bill 831 to regulate groundwater appropriations in closed basins.

These developments figured in the decision by the Legislature to create a temporary water policy

committee. Lawmakers also asked the Montana Bureau of Mines and Geology to assess and report to the committee the range of potential impacts of groundwater development on surface flows.

The Legislature assigned the 2007-08 WPIC a bevy of study topics with a general mandate to develop a clear policy direction and legislation to guide Montana's water policy in a manner that ensures fair and reasonable use of water resource as demands for water increase while supplies remain the same or decrease.

The WPIC endorsed several bills that were approved during the 2009 session, including measures dealing with water permitting, enforcement, and water quality.

Both the WPIC and the EQC supported SB 22 to make the WPIC a permanent committee. While the water policy duties outlined in 85-2-105, MCA, remain with the EQC, some of them are now optional.

Members of the 2009-10 WPIC are Senators Debby Barrett (R-Dillon), Bradley Hamlett (D-Cascade), Terry Murphy (R-Cardwell), and Dave Wanzenried (D-Missoula). Representatives are Russell Bean (R-Augusta), Bill McChesney (D-Miles City), Walter McNutt (R-Sidney), and JP Pomnichowski (D-Bozeman).

For more information about the committee, contact Joe Kolman at jkolman@mt.gov or (406) 444-9280. Or visit the committee's website at leg.mt.gov/water.

State Administration & Veterans' Affairs Committee Plans Busy Interim

In addition to its agency oversight duties, the State Administration and Veterans' Affairs Interim Committee (SAVA) will stay busy during the interim with a study to identify possible funding and benefit changes for Montana's various public employee retirement plans.

House Bill 659, sponsored by Rep. Don Roberts, requires the committee to examine the statewide public employees' and teachers' retirement systems and recommend changes to the next Legislature.

The committee received a \$200,000 general fund appropriation to accomplish this task.

House Joint Resolution 35 requested a study of state employee bonus payments in the wake of a controversy that erupted early in the session and sparked much discussion about what changes, if any, were needed to current laws.

The committee will hold an organizational meeting on Friday, June 26, at 8 a.m. in Room 137 of the Capitol. To keep up-to-date with committee happenings, sign up for electronic notifications on the committee's website at leg.mt.gov/sava. Contact Rachel Weiss at (406) 444-5367 or rweiss@mt.gov with any questions about the committee or its work.

High Court Picks Chair for Districting & Apportionment Commission

The redistricting process mandated by Article V, section 14, of the Montana Constitution came to life this April when House and Senate leaders selected four citizens to serve on the Districting and Apportionment Commission.

The commission is composed of five members and is responsible for using 2010 census data to redraw legislative and congressional district boundaries. The fifth member of the commission is selected by the first four or by the Montana Supreme Court if, after 20 days, the four commissioners cannot agree on the fifth member.

The four commissioners appointed by legislative leaders are:

- Jon Bennion, selected by House Minority Leader Scott Sales;
- Joe Lamson, selected by House Majority Leader Margaret Campbell;
- Pat Smith, selected by Senate Minority Leader Carol Williams; and
- Linda Vaughey, selected by Senate Majority Leader Jim Peterson.

The four commissioners met several times in April but couldn't agree on a presiding officer. On May 7, they asked the Supreme Court to make the appointment.

At a May 22 public meeting, the Supreme Court unanimously chose former Justice Jim Regnier as the fifth member and presiding officer.

The commission will meet occasionally during the 2009-10 interim to discuss criteria to be used for redistricting and other matters pertaining to redistricting, but the work of visiting with local officials, drawing district lines, and holding public meetings will not start until after the U.S. Census Bureau delivers census results to the state in early spring 2011.

To stay in touch with the activities of the commission, sign up for electronic notices on the commission's web page at leg.mt.gov/districting.

If you have questions about the commission, please contact Rachel Weiss at (406) 444-5367 or rweiss@mt.gov. Or visit the commission's web page at leg.mt.gov/districting.

Legislative Finance Committee to Monitor Stimulus Spending Package

The Legislative Finance Committee (LFC) is a permanent, bipartisan committee of the Legislature. During the interim, the committee monitors fiscal activities and programs of state government and oversees the budget analysis and research functions of the Legislative Fiscal Division.

This interim, the committee will devote a significant amount of time to monitoring the implementation of the stimulus package enacted in the 2009 session to incorporate the provisions of the federal American Recovery and Reinvestment Act.

Senate members of the LFC are Keith Bales (R-Otter), Steve Gallus (D-Butte), Dave Lewis (R-Helena), Rick Ripley (R-Wolf Creek), Dave Wanzenried (D-Missoula), and Carol Williams (D-Missoula). House members are

Bill Glaser (R-Huntley), Cynthia Hiner (D-Deer Lodge), Galen Hollenbaugh (D-Helena), Llew Jones (R-Conrad), Jon Sesso (D-Butte), and Janna Taylor (R-Dayton).

The LFC is tentatively scheduled to meet Monday, June 15, at 9 a.m. in Room 102 of the Capitol. The agenda and reports for the meeting will be available on the Legislative Fiscal Division website at leg.mt.gov/lfc. For more information, contact Clayton Schenck at cschenck@mt.gov or any Legislative Fiscal Division staff member at (406) 444-2986.

Because the June meeting date has not yet been confirmed, interested individuals should check the website for the final schedule. The agenda for this meeting, which will be primarily organizational, is expected to include:

- Election of committee officers
- An update on preparation of the “Legislative Fiscal Report: 2011 Biennium”
- An overview of the role and authority of the committee and the role of the Legislative Fiscal Division
- An overview of the LFC’s oversight of information technology management
- Discussion of a proposed LFD work plan for the 2009-10 interim
- A general fund revenue report

Biennial Fiscal Report Expected in June

The “Legislative Fiscal Report: 2011 Biennium” will be available later this month. The more than 1,500-page report documents legislative budget and revenue decisions made during the 2009 session. The report includes an analysis of state agency budgets as well as an analysis of revenue estimates and legislation affecting state revenue.

In addition to the House Bill 2 general appropriations act, the report will also contain substantial detail on the stimulus package contained in House Bill 645. The analysis of HB 645 will record legislative action and intent. The fiscal report will include:

Volume 1: Statewide Perspectives (budget overview)
Volume 2: Revenue Estimates
Volume 3 +: Agency Budgets

Regardless of an individual’s desired level of detail regarding state fiscal matters, this publication is an excellent source of information for legislators, state agencies, and the public. It will be a reference source for fiscal data for years to come. Printed copies of the report are limited, but it will be available on the LFD website.

Schenck Hanging up Green Eyeshades

Clayton Schenck, director of the Legislative Fiscal Division, has announced plans to retire at the end of this year. Schenck has been the Legislature’s chief fiscal analyst since 1993 and has been with the division since 1986.

Revenue & Transportation Committee to Organize for Interim July 1

The Revenue and Transportation Interim Committee (RTIC) is scheduled to meet Wednesday, July 1, in Room 137 of the Capitol at 9 a.m. The primary purpose of the meeting is to elect officers, review a draft work plan, and adopt a meeting schedule for the rest of the interim. An agenda for the meeting will be available by the middle of June.

The committee monitors the activities and rulemaking of the Montana Departments of Revenue and Transportation.

The Legislative Council has assigned two interim studies to the committee. Senate Joint Resolution 37 called for a study of the income tax filing status of married taxpayers. Senate Joint Resolution 16 called for a study of the problems related to uninsured and underinsured motorists.

The Legislature also asked the committee to look at other tax policy matters. House Bill 657 directed the committee to study the assessment and taxation of oil and natural gas property.

House Bill 658 provided for property tax mitigation in response to the latest periodic reappraisal of agricultural land, residential and commercial property, and forest land. The legislation directed the committee to review property tax assistance programs, particularly those aimed at low-income, veteran, and elderly property owners. It also directed the Department of Revenue to conduct sales assessment ratio studies of residential property every two years and report the results to the committee.

The committee will also discuss a request from the House Taxation Committee to conduct an analysis of individual income taxes, natural resource taxes, property reappraisal and the tax gap.

House members on the committee are Dick Barrett (D-Missoula), Carlie Boland (D-Great Falls), Roy Hollandsworth (R-Brady), Brian Hoven (R-Great Falls), Mike Jopek (D-Whitefish), and Bill Nooney (R-Missoula). Senate members are Ron Erickson (D-Missoula), Jeff Essmann (R-Billings), Kim Gillan (D-Billings), Christine Kaufmann (D-Helena), Jim Peterson (R-Buffalo), and Bruce Tutvedt (R-Kalispell).

Anyone who was not on the committee's mailing list last interim and would like to be added may contact committee staff or sign up for email notification at leg.mt.gov/rtic. Individuals on the overland mailing list will receive meeting notices and agendas, while individuals on the electronic mailing list will receive notices of and links to everything that is posted on the committee's website.

For more information about the committee, contact Jeff Martin at (406) 444-3595 or jmartin@mt.gov or Fong Hom, committee secretary, at (406) 444-0502 or fhom@mt.gov. Lee Heiman is the staff attorney for the committee. He can be reached at (406) 444-4022 or lheiman@mt.gov.

Environmental Quality Council to Study Biomass, Wildfires

The Environmental Quality Council (EQC) expects a busy interim, with biomass and wildfire-related topics

among the council's probable workload. The EQC met for the first time on May 28 and 29 in Helena to finalize its work plan and elect officers. Information about that meeting is available on the council's website at leg.mt.gov/eqc.

Lawmakers ranked the biomass study (HJR 1) third and the wildfire study (HJR 30) seventh in a recent poll mailed to all legislators to gauge their interest in each study proposal. The council may also analyze recycling and solid waste recovery in Montana and examine the feasibility of and possible funding for a block management-style program that would give private landowners incentives for allowing the public to use their property for recreational activities. EQC members may also suggest other topics for inclusion in the council's work plan.

The EQC was created by the 1971 Montana Environmental Policy Act. The council's purpose is to encourage conditions under which people can coexist with nature in "productive harmony." The council fulfills this purpose by assisting the Legislature in the development of natural resource and environmental policy, by conducting studies on related matters, and by serving in an advisory capacity to the state's natural resource programs.

More information about the EQC and its role is available in the newly revised publication "A Council Member's Guide to the Environmental Quality Council," available on the council's website or by contacting EQC staff. While the guide is geared toward council members, it contains information useful to anyone interested in the EQC.

The EQC is composed of 17 Montanans, including six senators and six representatives, four public members, and one nonvoting member who represents the governor.

The members are Representatives Sue Dickenson (D-Great Falls), Julie French (D-Scobey), Mike Milburn (R-Cascade), Cary Smith (R-Billings), Chas Vincent (R-Libby), and Franke Wilmer (D-Bozeman) and Senators Brad Hamlett (D-Cascade), Jim Keane (D-Butte),

Rick Ripley (R-Wolf Creek), Jim Shockley (R-Victor), Mitch Tropila (D-Great Falls), and Bruce Tutvedt (R-Kalispell).

Public members are Brian Cebull, Billings; Diane Conradi, Whitefish; Jeff Pattison, Glasgow; and Mary Fitzpatrick, Billings. Mike Volesky is the governor's representative.

For more information, contact Hope Stockwell at (406) 444-1640 or hstockwell@mt.gov. All EQC documents and meeting schedules may be found at leg.mt.gov/eqc.

Legislative Audit Committee Plans to Meet in June or July

The Legislative Audit Committee plans to meet in June or July, but a meeting date and agenda have not been set. The following audit reports will likely be presented:

Financial Audit:

- Montana Water Pollution Control and State Revolving Fund Programs, 09-25

Information Systems Audits:

- Computer Disposal Policy Compliance memo, 09DP-05
- Integrated Revenue Information System (IRIS): Processing of Individual Income and Corporate Tax Records, Dept. of Revenue, 08DP-06
- Payment Card Industry Data Security Standard and Related Controls; The University of MT-Missoula, MT State University-Bozeman, MT State University-Billings, Montana Department of Transportation, 09DP-02
- Statewide Accounting, Budgeting, and Human Resources System, Department of Administration, 09DP-03

Performance Audits:

- Montana State Fund Corporate Governance Practices, 08P-08
- Upland Game Bird Enhancement Program, Dept. of Fish, Wildlife & Parks, 08P-01

For more information about the audit committee,

contact Tori Hunthausen, legislative auditor, Legislative Audit Division, at (406) 444-3122 or thunthausen@mt.gov. Or visit the audit committee's website at leg.mt.gov/audit.

Economic Affairs Committee to Meet July 8 to Set Interim Work Plan

The Economic Affairs Interim Committee (EAIC) will meet Wednesday, July 8, at 11 a.m. in Room 137 of the Capitol.

The committee will elect officers and determine its work plan for the interim. The committee will likely undertake a broad study of workers' compensation insurance (Senate Joint Resolution 30). Additional coverage of the study will be in the July issue of *The Interim*. The committee also monitors the following state agencies:

- Department of Agriculture;
- Department of Commerce;
- Department of Labor and Industry;
- Department of Livestock;
- Governor's Office of Economic Development; and
- State Auditor's Office.

The committee usually requests through a memorandum of understanding the duty of monitoring the Montana State Fund, which otherwise is the responsibility of the State Administration and Veterans' Affairs Committee.

Members of the EAIC are Senators Roy Brown (R-Billings), Ken Hansen (D-Harlem), Jim Keane (D-Butte), and Ryan Zinke (R-Whitefish), and Representatives Chuck Hunter (D-Helena), Michele Reinhart (D-Missoula), Don Roberts (R-Billings), and Gordon Vance (R-Bozeman).

For more information about the committee, contact Pat Murdo, committee staff, at (406) 444-3594 or pmurdo@mt.gov. Interested individuals who were on the email notification list last interim will continue to be notified electronically of meetings unless they unsubscribe. Anyone who wants to be added to the interim notification list may sign up at leg.mt.gov/eaic.

Law & Justice Committee to Study Laws Related to DUI, DNA

The Law and Justice Interim Committee (LJIC) will study laws related to biological evidence and driving under the influence of alcohol this interim.

Senate Joint Resolution 39 requested a study of ways to reduce offenses related to driving under the influence and simplify existing DUI laws. This study was one of the Legislature's top priorities based on a poll of legislators. Senate Joint Resolution 29 requested a study of the retention and preservation of biological evidence (DNA) by state and local law enforcement agencies.

Senators appointed to serve on the committee are John Esp (R-Big Timber), Greg Hinkle (R-Thompson Falls), Carol Juneau (D-Browning), Jesse Laslovich (D-Anaconda), Lynda Moss (D-Billings), and Jim Shockley (R-Victor).

Representatives on the committee are Shannon Augare (D-Browning), Bob Ebinger (D-Livingston), David Howard (R-Park City), Mike Menahan (D-Helena), Ken Peterson (R-Billings), and Ron Stoker (R-Darby).

The committee monitors the activities of the state Department of Corrections, Department of Justice, and the Office of State Public Defender; the committee also serves as a liaison with the judicial branch. These agencies will report periodically to the committee throughout the interim. The committee also reviews the administrative rules of these agencies.

Finally, the committee tracks the implementation by the state Department of Public Health and Human Services of several committee bills (House Bills 130, 131, and 132) enacted last session to keep people with mental illness from being jailed or involuntarily committed.

The committee has not scheduled its first meeting, but anyone interested in receiving email notification of meetings and other committee information may sign up on the committee's website at leg.mt.gov/ljic.

For more information about the Law and Justice

Committee, contact Sheri Heffelfinger at sheffelfinger@mt.gov or (406) 444-3596.

Legislative Council Assigns Interim Studies, Makes NCCUSL Appointments

On May 27, the Legislative Council assigned 16 studies to legislative interim committees to work on between now and the next session in 2011. The council based its decisions on a study poll of legislators, staff recommendations, and comments from study sponsors and the public.

Several interim committees have also been assigned studies required by law. Committees are expected to complete their studies by Sept. 15, 2010. This month's Back Page article reports on study assignments.

Uniform State Law Commissioners Appointed

The council also reappointed Edwin Eck, dean of the University of Montana Law School, and Karen Powell, chair of the State Tax Appeal Board, to the National Conference of Commissioners on Uniform State Laws. It appointed Mike Wheat of Bozeman as the third member from Montana.

Representatives from Montana and other states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands research, draft, and promote enactment of uniform state laws in areas where uniformity is desirable and practical.

Council to Formally Organize in June

The council will meet Thursday, June 25, to elect officers, approve legislative branch operating budgets, and develop an interim work plan. The council will hold a strategic planning session Aug. 21 and 22. Go to the council's website at leg.mt.gov/legcouncil for more information and to sign up for email notification of meetings and reports.

If you have questions or comments about the Legislative Council, contact Susan Fox at (406) 444-3064 or sfox@mt.gov.

Legislative Committee Assignments for the 2009-10 Interim

Legislative Council

Rep. Bob Bergren	Sen. John Brueggeman
Rep. Margaret Campbell	Sen. Jeff Essmann
Rep. Dennis Himmelberger	Sen. Jesse Laslovich
Rep. Jess O'Hara	Sen. Bob Story
Rep. Mike Phillips	Sen. David Wanzenried
Rep. Scott Sales	Sen. Carol Williams

Staffed by Legislative Services Division

Legislative Audit Committee

Rep. Dee Brown	Sen. Greg Barkus
Rep. Betsy Hands	Sen. John Brenden
Rep. Scott Mendenhall	Sen. Taylor Brown
Rep. Carolyn Pease-Lopez	Sen. Mike Cooney
Rep. Wayne Stahl	Sen. Cliff Larsen
Rep. Bill Wilson	Sen. Mitch Tropila

Staffed by the Legislative Audit Division

Legislative Finance Committee

Rep. Bill Glaser	Sen. Keith Bales
Rep. Cynthia Hiner	Sen. Steve Gallus
Rep. Galen Hollenbaugh	Sen. Dave Lewis
Rep. Llew Jones	Sen. Rick Ripley
Rep. Jon Sesso	Sen. David Wanzenried
Rep. Janna Taylor	Sen. Carol Williams

Staffed by the Legislative Fiscal Division

Legislative Consumer Committee

Rep. Tom Berry
Rep. Pat Noonan

Staffed by the Consumer Counsel

Children, Families, Health & Human Services Committee

Rep. Mary Caferro	Sen. Roy Brown
Rep. Gary MacLaren	Sen. Rick Laible
Rep. Penny Morgan	Sen. Christine Kaufmann
Rep. Diane Sands	Sen. Trudi Schmidt

Economic Affairs Committee

Rep. Chuck Hunter	Sen. Roy Brown
Rep. Michele Reinhart	Sen. Ken Hansen

Rep. Don Roberts	Sen. Jim Keane
Rep. Gordon Vance	Sen. Ryan Zinke

Education & Local Government Committee

Rep. Elsie Arntzen	Sen. Gary Branae
Rep. Russell Bean	Sen. Kelly Gebhardt
Rep. Wanda Grinde	Sen. Kim Gillan
Rep. Bob Lake	Sen. Bob Hawks
Rep. Edith McClafferty	Sen. Dan McGee
Rep. Cheryl Steenson	Sen. Jim Peterson

Energy & Telecommunications Committee

Rep. Duane Ankney	Sen. Jerry Black
Rep. Tony Belcourt	Sen. Ron Erickson
Rep. Robyn Driscoll	Sen. Verdell Jackson
Rep. Harry Klock	Sen. Cliff Larsen

Environmental Quality Council

Rep. Sue Dickenson	Sen. Brad Hamlett
Rep. Julie French	Sen. Jim Keane
Rep. Mike Milburn	Sen. Rick Ripley
Rep. Cary Smith	Sen. Jim Shockley
Rep. Chas Vincent	Sen. Mitch Tropila
Rep. Franke Wilmer	Sen. Bruce Tutvedt

Public members:

Brian Cebull	Diane Conradi
Jeff Pattison	Mary Fitzpatrick

Governor's representative:

Mike Volesky

Law & Justice Committee

Rep. Shannon Augare	Sen. John Esp
Rep. Bob Ebinger	Sen. Greg Hinkle
Rep. David Howard	Sen. Carol Juneau
Rep. Mike Menahan	Sen. Jesse Laslovich
Rep. Ron Stoker	Sen. Lynda Moss
Rep. Ken Peterson	Sen. Jim Shockley

Revenue & Transportation Committee

Rep. Dick Barrett	Sen. Ron Erickson
Rep. Carlie Boland	Sen. Jeff Essmann
Rep. Roy Hollandsworth	Sen. Kim Gillan

Rep. Brian Hoven
Rep. Mike Jopek
Rep. Bill Nooney

Sen. Christine Kaufmann
Sen. Jim Peterson
Sen. Bruce Tutvedt

State Administration & Veterans' Affairs Committee

Rep. Tim Furey
Rep. Gordon Hendrick
Rep. Pat Ingraham
Rep. Robert Mehlhoff

Sen. Joe Balyeat
Sen. Larry Jent
Sen. Dave Lewis
Sen. Joe Tropila

State-Tribal Relations Committee

Rep. Frosty Boss Ribs
Rep. Scott Reichner
Rep. Ken Peterson
Rep. David Roundstone

Sen. John Brueggeman
Sen. Rick Laible
Sen. Sharon Stewart-Peregoy
Sen. Jonathan Windy Boy

Water Policy Committee

Rep. Russell Bean
Rep. Bill McChesney
Rep. JP Pomnichowski
Rep. Walter McNutt

Sen. Debby Barrett
Sen. Brad Hamlett
Sen. Terry Murphy
Sen. David Wanzenried

Board of Investments Liaison

Rep. Brady Wiseman

Capitol Complex Advisory Council

Rep. Elsie Arntzen
Rep. Jill Cohenour

Sen. Aubyn Curtiss
Sen. Lynda Moss

Community Health Center Advisory Group

Rep. Keith Regier
Rep. Sue Malek

Sen. Terry Murphy
Sen. Carolyn Squires

Drinking Water State Revolving Loan Fund

Rep. Margaret MacDonald

Sen. Don Steinbeisser

Economic Development Advisory Council

Rep. John Fleming
Rep. Tom McGillvray

Sen. Joe Balyeat
Sen. Kim Gillan

Electronic Government Advisory Council

Rep. Paul Beck

Sen. Jeff Essmann

Future Fisheries Review Panel

Rep. Kendall Van Dyk

Sen. Steve Gallus

Gaming Advisory Council

Rep. Pat Noonan

Sen. Joe Tropila

Heritage Preservation & Development Commission

Not yet available

Information Technology Board

Rep. JP Pomnichowski

Sen. Jesse Laslovich

Land Information Advisory Council

Rep. Jon Sesso

Sen. Dan McGee

Legislative Branch Computer Systems Planning Council

Rep. Bill Beck

Sen. Dave Lewis

Dave Hunter

Marilyn Miller

Chief Clerk of the House

Secretary of the Senate

Montana Consensus Council

Repealed (SB24, Ch. 9, L. 2009)

Natural Resource Damages Litigation Oversight

(SB 200, Ch. 454, L. 2007)

Sen. Jim Keane

Sen. Terry Murphy

Pacific Northwest Economic Region

Rep. Wanda Grinde

Sen. Kim Gillan

Sen. Ryan Zinke

Reserved Water Rights Compact Commission

Rep. Dave McAlpin

Sen. John Brueggeman

Rep. Jeff Welborn

Sen. Jesse Laslovich

Workforce Investment Board

Rep. Arlene Becker

Sen. Kim Gillan

Rep. Jesse O'Hara

Sen. Ryan Zinke

The Back Page

An Overview of 2009-2010 Interim Studies and Activities

by **Dave Bohyer, Director**
Office of Research and Policy Analysis

The Legislative Services Division is required to poll all legislators at the end of each legislative session to measure the relative importance of each study resolution passed by the Legislature. The Legislative Council has the responsibility of assigning study requests to the various legislative interim committees, and it uses the poll results in making that determination. This Back Page article describes the results of the poll of the 61st Legislature and the council's assignment of the studies.

The Interim Study Poll

The LSD staff mailed the poll on the first day following adjournment of the Legislature. Seventeen studies were included in the poll, with a return date of May 9. Staff compiled data from the ballots and reported the results to the Legislative Council.

Senate Joint Resolution 9 (study of the student financial assistance system in Montana) was not included in the poll because the resolution specifically requested that the Legislative Council assign the study to the Legislative Finance Committee.

Results of the Poll

Of the 150 ballots sent out, 94 were returned in time to be counted, for a participation rate of 63 percent. Several ballots were returned too late to be counted, but they would have increased participation to 66 percent.

The Borda voting method was used to rank each study. A ranking of "1" is the highest and a ranking of "17" is the lowest. Points were then assigned in reverse order, with a study ranked as "1" receiving 17 points and a study ranked as "17" receiving 1 point; the same method was applied to rankings in between. A study unranked on a ballot received zero points. (The Borda voting method is used by media organizations to rank

intercollegiate sports teams.)

The average number of points received by the studies was 571 points. The highest ranked study, SJR 30, received 1,130 points, while the lowest ranked study, SJR 2, received only 285 points. Of the 17 studies in the poll, seven received more than the average number of points and 10 received fewer. The median number of points received was 524 (SJR 28), meaning that eight studies received more than 524 points and eight studies received fewer.

Just under two-thirds (66 percent, counting late ballots) of legislators responded to the poll, compared to 70 percent in 2007, 82 percent in 2005, 78 percent in 2003, and 84 percent in 2001.

LSD Staff Recommendations

LSD staff recommended that 14 of the 17 studies requested by resolution be conducted, and the council generally concurred with the staff's advice.

In making the recommendations for interim studies, staff considered the poll results, committee funding, and committee and staff time commitments.

Because the Legislative Council has the responsibility of assigning interim studies, the staff recommendations are simply that: recommendations. Nevertheless, they are influenced by a number of factors, including:

- All interim studies are not created equal. Some have considerable breadth, depth, and complexity, while others are narrow and focused.
- The work of interim committees is not equal. Some have more extensive statutory duties and broader jurisdictions than others. Some have more members than others. Some have formed subcommittees that function much the same as full committees in terms of staff time and committee member effort.
- Interim studies are only part of what interim

committees do during the interim. Each committee has a variety of statutory duties, including agency monitoring, administrative rule review, and consideration of potential legislation proposed by state agencies within the committee's jurisdiction.

- Each interim committee has statutory authority to examine policy matters within its purview, which typically extends beyond assigned interim studies. Staff experience suggests that each committee will exercise that authority to a greater or lesser extent. The issues that might arise or the level of involvement cannot be foreseen, but there is a history that these types of projects are likely to occur.
- Resources – staff time, committee time, and funding – are all limited.

The Legislative Council met on May 27 to decide on interim study assignments. Following staff recommendations and testimony from Sen. Jim Peterson (SJR 28, by letter); Sen. Cliff Larsen (SJR 14), Rep. Gordon Hendrick (SJR 28), and Rep. Bob Ebinger (HJR 32), the council made the assignments as shown in the table on page 16.

The Legislature also assigned five studies by bill to legislative interim committees. House Bill 659 directed the State Administration and Veterans' Affairs Committee to study public employee retirement systems and redesign the Teachers' Retirement System. Senate Bill 22 re-established the Water Policy Committee and directed it to study "... issues related to water quantity, water quality, and water use in Montana." House Bill 657 directed the Revenue and Transportation Committee to study the taxation of oil and natural gas property, while HB 658 requested that the committee review property

tax assistance for certain residential property owners and directed the state Department of Revenue to conduct sales assessment ratio studies of residences and report the results to the committee. Finally, SB 290 directed the Energy and Telecommunications Interim Committee to review and update the state energy plan.

Preview of Interim Activities

The 2009-10 interim is just beginning to take shape. Except for the Environmental Quality Council, none of the interim committees has met yet, but all of the members have been appointed. Staffing assignments for the committees are also taking shape. On page 17 is a list of the staffing and study assignments for each interim committee.

In addition to interim studies, each interim committee has a range of statutory duties and responsibilities, which can be found in Title 5, chapter 5, part 2, MCA, and for the Environmental Quality Council in Title 75, chapter 1, part 3, MCA. The duties and responsibilities for the administrative committees of the Legislature (Legislative Audit Committee, Legislative Consumer Committee, Legislative Council, and the Legislative Finance Committee) that meet during the interim are contained in various chapters within Title 5, MCA. Other committees on which legislators serve may be found throughout the MCA.

With interim committee meetings being planned for the summer, draft work plans and proposed meeting schedules will soon be available. Stay tuned as more information will be provided in subsequent issues of The Interim newsletter. In the meantime, check the legislative website at leg.mt.gov or call the LSD at (406) 444-3064 with any questions you may have regarding the poll, a particular study, or any of the interim committees.

Summary of the 2009-10 Interim Study Poll

Rank	Bill No.	Points	Study Topic	Assigned to
1	SJR 30	1,130	Study worker's comp rates and Montana State Fund	Economic Affairs Committee
2	SJR 35	849	Study health care	Children and Families Committee
3	HJR 1	829	Interim study of biomass	Environmental Quality Council
4	SJR 39	769	Study DUI laws and enforcement	Law and Justice Committee
6	SJR 16	621	Study cost of auto insurance and compliance with mandatory requirements	Revenue and Transportation Committee
7	HJR 30	596	Study fire suppression issues	Environmental Quality Council
8	SJR 28	547	Study on recycling and solid waste recovery	Environmental Quality Council
9	HJR 35	524	Interim study of state employee bonus payments	State Administration and Veterans' Affairs Committee
10	HJR 32	496	Study impact of historic preservation and strategies for preservation	Education and Local Government Committee (as white paper)
11	SJR 29	493	Study retention of DNA evidence by state and local law enforcement agencies	Law and Justice Committee
12	SJR 37	491	Resolution to study income tax filing by married taxpayers	Revenue and Transportation Committee
13	HJR 39	395	Study development of additional community services for developmentally disabled	Children and Families Committee (as white paper)
14	SJR 14	352	Study cooperative arrangements between state agriculture labs	Economic Affairs Committee
16	HJR 15	299	Study resolution on funding for a recreation and tourism enhancement program	Environmental Quality Council (as white paper)
17	SJR 2	285	Study community college establishment process	Education and Local Government Committee (as white paper)
NA	SJR 9	NA	Study student loan system	Legislative Finance Committee
5	HJR 36	724	Interim study of family self-sufficiency and economic development	Not assigned
15	SJR 3	300	Interim study to consider establishment of Montana Scholarship Program	Not assigned
Mean = 571 Median = 524 Ballots Returned = 94 as of May 12, 2009 (63%); 99 total returns (66%)				

Staff & Study Assignments by Committee

Children, Families, Health & Human Services Interim Committee

Staffing

Lead: Sue O'Connell, Research Analyst
Attorney: Lisa Mecklenberg Jackson
Secretary: Fong Hom

Interim Study Assignment

SJR 35: Study health care
HJR 39: Study development of additional community services for developmentally disabled

Economic Affairs Interim Committee

Staffing

Lead: Pat Murdo, Research Analyst
Attorney: Bart Campbell
Secretary: CJ Johnson

Interim Study Assignment

SJR 30: Study workers' compensation rates and Montana State Fund
SJR 14: Study cooperative arrangements between state laboratories

Education & Local Government Interim Committee

Staffing

Lead: Leanne Heisel, Research Analyst
Attorney: Jeremy Gersovitz
Secretary: CJ Johnson

Interim Study Assignment

HJR 32: Study impact of historic preservation and strategies for preservation
SJR 2: Study community college establishment process

Energy & Telecommunications Interim Committee

Staffing

Lead: Sonja Nowakowski, Research Analyst
Attorney: Todd Everts
Secretary: Dawn Field

Interim Study Assignment

SB 290: Review and revise state energy plan

Law & Justice Interim Committee

Staffing

Lead: Sheri Heffelfinger, Research Analyst
Attorney: Valencia Lane
Secretary: Fong Hom

Interim Study Assignment

SJR 39: Study DUI laws and enforcement
SJR 29: Study retention of DNA evidence by state and local law enforcement agencies

Revenue & Transportation Interim Committee

Staffing

Lead: Jeff Martin, Research Analyst
Attorney: Lee Heiman
Secretary: Fong Hom

Interim Study Assignment

HB 657: Study of oil and natural gas property
HB 658: Review of property tax assistance and sales assessment ratio studies
SJR 16: Study cost of auto insurance and compliance with mandatory requirements
SJR 37: Study income tax filing by married taxpayers

State Administration & Veterans' Affairs Interim Committee

Staffing

Lead: Rachel Weiss, Research Analyst

Attorney: David Niss

Secretary: Fong Hom

Interim Study Assignment

HB 659: Study of public retirement systems; redesign Teachers' Retirement

HJR 35: Study of state employee bonus payments

State-Tribal Relations Interim Committee

Staffing

Lead: Casey Barrs, Research Analyst

Attorney: Jeremy Gersovitz

Secretary: CJ Johnson

Interim Study Assignment

None

Environmental Quality Council

Staffing

Lead: Hope Stockwell, Research Analyst

Attorney: Todd Everts

Secretary: Cindy Peterson

Interim Study Assignment

HJR 1: Study of biomass

HJR 30: Study fire suppression issues

SJR 28: Study recycling and solid waste recovery

HJR 15: Study funding for a recreation and tourism enhancement program

Water Policy Interim Committee

Staffing

Lead: Joe Kolman, Research Analyst

Attorney: Todd Everts

Secretary: Cindy Peterson

Interim Study Assignment

SB 22: Enabling legislation; water issues in general

Districting & Apportionment Commission

Staffing

Leads: Rachel Weiss, Research Analyst

Joe Kolman, Research Analyst

Attorney: Lisa Mecklenberg Jackson

Secretary: Dawn Field

Interim Study Assignment

Generally prepare for legislative redistricting following the 2010 U.S. Census

Legislative Council

Staffing

Lead: Susan Byorth Fox, LSD Executive Director

Attorney: Greg Petesch, Legal Director

Secretary: Dawn Field

Interim Study Assignment

None

Legislative Finance Committee/Fiscal Division

Staffing

Lead: Clayton Schenck, Chief Fiscal Analyst

Attorney: TBD

Secretary: Diane McDuffie

Interim Study Assignment

SJR 9: Study student loan system

All interim committee meetings are held in the Capitol in Helena unless otherwise noted.

June 2009

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2 Children & Families Committee, 9 a.m. Room 102	3	4	5	6
7	8	9	10	11	12	13
14	15 Legislative Finance Committee, 9 a.m. Room 102	16	17	18	19	20
21	22	23	24	25 Legislative Council, time and place TBD	26 State Admin & Veterans' Affairs Committee, 8 a.m. Room 137	27
28	29	30				

July 2009

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Revenue & Transportation Committee 9 a.m. Room 137	2	3	4
5	6	7	8 Economic Affairs Committee, 11 a.m. Room 137	9 Water Policy Committee, 9 a.m. Room 172	10	11
12	13	14	15	16 Energy & Telecomm Committee, 9 a.m. Room 172	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

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